

### REMARKS

Reconsideration and allowance are respectfully requested in light of the above amendments and the following remarks.

Claims 1-10 have been canceled in favor of new claims 11-17. Support for the features recited in new claims 11-17 is provided in Figs. 1-3 and the specification on pages 4-11.

Claim 1-10 were rejected, under 35 USC §102(e), as being anticipated by Baker et al. (US 2001/0055298). To the extent these rejections may be deemed applicable to new claims 11-17, Applicant respectfully traverses.

The present invention takes advantage of the fact that a radio transmission characteristics test does not require a signaling signal. Consequently, it is a feature of the present invention to determine the occurrence of a radio transmission characteristics test (base claims 11, 13, and 16). Upon the occurrence of such a test, a test apparatus controls a mobile terminal apparatus to suspend transmission of the signaling signal (base claims 11, 13, and 16). Accordingly, the mobile terminal apparatus does not have to perform a function that is unnecessary for the radio transmission characteristics test. Also, the radio transmission characteristics test is performed while maintaining a fixed transmission power (base claims 11, 13, and 16).

By contrast to the above-noted features of the present invention, Baker does not disclose: (1) an RLC section that outputs a signaling signal to a radio transmitter periodically (base claims 11, 13, and 16) or (2) a protocol processor that reports a suspension of transmission of the signaling signal to the RLC section (base claim 11). Additionally, Baker does not disclose: (1) that, while communication is in progress, a radio transmitter transmits a transmission signal in which a signaling signal is inserted in user information (base claim 11) or (2) that, while the radio characteristics test is in progress, the RLC section suspends transmission of the signaling signal in response to the report from the protocol processor and the radio transmitter transmits a transmission signal comprising user information alone, at a fixed transmission power (base claim 11).

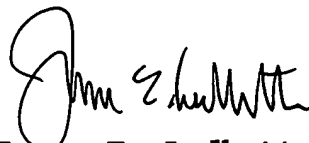
Accordingly, the Applicant respectfully submits that Baker does not anticipate the subject matter defined by independent claims 11, 13, and 16. Therefore, allowance of claims 11, 13, and 16 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone

the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



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Date: October 5, 2005  
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